

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE AT KNOXVILLE**

DONNIE JAMES VINSON,

Plaintiff,

No.: 3:08-CV-512

vs.

**CAMPBELL COUNTY SHERIFF'S
DEPARTMENT; ZACHARY F. GRAVES,
INDIVIDUALLY AND IN HIS CAPACITY
AS OFFICER OF THE CAMPBELL COUNTY
SHERIFF'S DEPARTMENT; ADAM
DOUGLAS, INDIVIDUALLY AND IN HIS
CAPACITY AS OFFICER OF THE
CAMPBELL COUNTY SHERIFF'S
DEPARTMENT; and GARY PERKINS,
INDIVIDUALLY AND IN HIS CAPACITY
AS SHERIFF OF THE CAMPBELL COUNTY
SHERIFF'S DEPARTMENT,**

Defendants.

STATEMENT OF MATERIAL FACTS

The Defendants, Campbell County Sheriff's Department, Zachary F. Graves, Adam Douglas, and Gary Perkins, by and through counsel and pursuant to Rule 56 of the Federal Rules of Civil Procedure, hereby submit the following Statement of Material Facts in support of their Motion for Summary Judgment.

1. Plaintiff is a resident of Kentucky. (Doc. 1 at 2.)
2. On December 29, 2007, at approximately 2:30 a.m., Plaintiff was traveling south on I-75 in Campbell County in a florist van. (Doc. 1 at 3, ¶ 1.)

3. Several people called the Sheriff's Department to report seeing Plaintiff's vehicle swerving on I-75. (*See* Campbell County Sheriff's Department Complaint – Affidavit of Zachary Graves, attached as Exhibit A.)

4. Officer Graves observed Plaintiff crossing the white line and center line several times. (*See* Ex. A.)

5. Plaintiff was stopped by officers Adam Douglas and Zachary Graves of the Campbell County Sheriff's Department. (Doc. 1 at 3, ¶¶ 2, 4; Ex. A.)

6. Plaintiff did not shift his vehicle from "Drive" to "Park" when he pulled over. (*See* Doc. 1 at 3, ¶ 5; Ex. A.)

7. Officers Graves and Douglas approached Plaintiff's vehicle and told Plaintiff to get out of the van. (Doc. 1 at 3, ¶ 4.)

8. Officer Graves opened the Plaintiff's door. (Doc. 1 at 3, ¶ 5; Ex. A.)

9. The van started rolling forward as Officers Graves and Douglas removed Plaintiff from the van. (*See* Ex. A; Nursing Assessment Form, attached as Exhibit B.)

10. Plaintiff became combative towards Officers Graves and Douglas. (Ex. A.)

11. Plaintiff was arrested for DUI, felony evading arrest, and resisting arrest. (*See* Doc. 1 at 4, ¶ 21; Ex. A.)

12. Plaintiff admitted to Officers Graves and Douglas that he had consumed approximately four glasses of wine and had taken half of an Alprazolam (a.k.a. Xanax) pill. (Ex. 2.)

13. Plaintiff was transported to St. Mary's Hospital for a blood sample and treatment. (Doc. 1 at 4, ¶¶ 11, 15.)

14. The ER nurse noted a strong odor of alcohol on Plaintiff. (*See* Ex. B.: “strong ETOH odor noted.”)

15. Plaintiff claims that Officers Graves and/or Douglas used excessive force in arresting him. (Doc. 1 at 3, ¶¶ 6-11.)

Respectfully submitted,

/s/ Rhonda L. Bradshaw
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CERTIFICATE OF SERVICE

I hereby certify that on May 5, 2010, a copy of the foregoing Statement of Material Facts was filed via the electronic filing system for the U.S. District Court Eastern District of Tennessee at Knoxville and delivered, via U.S. Mail, to the following:

Donnie James Vinson
660 Banner Fork Rd
Wallins Creek, KY 40873

/s/ Rhonda L. Bradshaw
Rhonda L. Bradshaw, RN JD